

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Fernando Gastelum,

Plaintiff,

v.

Tempe Hospitality Ventures LLC,

Defendant.

No. CV-18-00452-PHX-JJT

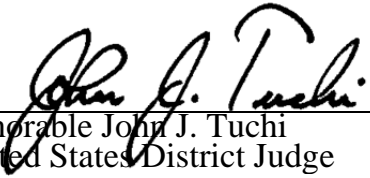
ORDER

This matter having recently come before this Court,

IT IS ORDERED that motions to dismiss pursuant to Fed. R. Civ. P. 12(b) and motions to strike pursuant to Fed. R. Civ. P. 12(f) are discouraged if the defect that would be the subject of the motion can be cured by filing an amended pleading. Therefore, the parties must meet and confer prior to the filing of a motion to dismiss or motion to strike to determine whether it can be avoided. Consequently, motions to dismiss and motions to strike must be accompanied by a notice of certification of conferral, indicating that the parties have conferred to determine whether an amendment could cure a deficient pleading, and have been unable to agree that the pleading is curable by a permissible amendment. In addition, parties shall endeavor not to oppose motions to amend that are filed prior to the Rule 16 Scheduling Conference or within the time set for the Rule 16 Case Management Order. Motions to dismiss and motions to strike that do not contain the required certification are subject to striking on the Court's own motion.

1 IT IS FURTHER ORDERED that Plaintiff shall serve a copy of this Order on
2 Defendants.

3 Dated this 12th day of February, 2018.

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6 Honorable John J. Tuchi
7 United States District Judge
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